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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,950	07/21/2003	Jason Brown	C02-0109-000	4621
33190 7590 10/15/2007 CINGULAR WIRELESS LLC 5565 GLENRIDGE CONN., #1725A C/O LINDA GILES, PATENT MANAGER ATLANTA, GA 30342			EXAMINER TERMANINI, SAMIR	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/623,950	Applicant(s) BROWN, JASON	
	Examiner Samir Termanini	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This Non-Final Office Action is responsive to the following communications: Amendment filed on 3/12/2007.

2. Claims 21-38 are pending in this case. Applicant has amended Claims 21, 27, and 33. Claims 21, 27, and 33 are in independent form.

RESPONSE TO AMENDMENT

3. Arguments concerning the Examiner's Rejections of claims 21-38 under 35 U.S.C. §102(b) in the previous Office Action (Mail dated: 5/31/2007) have been fully considered and are persuasive. The Prior 35 U.S.C. § 102(b) Rejections are withdrawn.

CLAIM REJECTIONS - 35 U.S.C. §102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 21-38 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by *Digital cellular telecommunications system (Phase 2+) (GSM); Universal*

Mobile Telecommunications System (UMTS); USIM Application Toolkit (USAT) (3GPP TS 31.111 version 5.0.0 Release 5), March 2002, pp. 21-26, 52-54, 72-74, and 163 (hereinafter "*Release 5*").

As to independent **claim 21**, *Release 5* describes: a method for timed text display on a communications device ("*to display a text message,*" See p. 25), said method comprising: controlling a display of a communications device using a Subscriber Identity Module (SIM) application ("*SIM Application,*" See p. 21); and specifying a minimum duration in said SIM application for which text must be displayed ("an exact duration is indicated by a duration object," See p. 25; See also "Contents: the required duration for execution of the command before the timeout expires." See Fig. 6.6.1 on p. 53, reproduced below); wherein the minimum duration must lapse prior to permitting a user to clear said text ("*If the text is to be sustained beyond an immediate response, the ME shall display the text for a period that does not exceed the duration.,*" See p. 73).

As to dependent **claim 22**, which depends from claim 21, *Release 5* further discloses: the method of claim 21, wherein said step of specifying a duration comprises setting the value of a duration data object for a DISPLAY TEXT command in said SIM application ("an exact duration is indicated by a duration object," See p. 25; See also "The duration informs the ME about the required duration of the display (Precision and resolution are in accordance with clause 6.4.21 Timer Management).," See p. 25).

As to dependent **claim 23**, which depends from claim 21, *Release 5* further discloses: the method of claim 21, further comprising: displaying text on said communications device ("This command instructs the ME to display a text message,"

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See p. 25); receiving a command to clear said text ("The ME shall continue to display the text until one of the following events occurs," See p. 26); if said specified duration has elapsed ("the expiration of the short delay, if so indicated by the command qualifier," See p. 26), then executing said command ("removes the text from the display," See p. 26).

As to dependent **claim 24**, which depends from claim 22, *Release 5* further discloses: the method of claim 22, wherein said duration data object is a parameter in said DISPLAY TEXT command ("duration data object," See Fig. 6.6.1 on p. 53, reproduced below).

Duration data
object parameter

6.6.1 DISPLAY TEXT

Description	Clause	M/O/C	Min	Length
Proactive UICC command Tag	9.2	M	Y	1
Length (A+B+C+D+E+F+G)	-	M	Y	1 or 2
Command details	8.6	M	Y	A
Device identities	8.7	M	Y	B
Text string	8.15	M	Y	C
Icon identifier	8.31	O	N	D
Immediate response	8.43	O	N	E
Duration	8.8	O	N	F
Text attribute	8.70	O	N	G

- Duration:

- Contents: the required duration for execution of the command before the timeout expires. Resolution and the precision of the time value are in accordance with clause 6.4.21 Timer Management.

As to dependent **claim 25**, which depends from claim 23, *Release 5* further discloses: the method of claim 23, further comprising: if said specified duration has not elapsed ("The timer starts when the text is displayed on the screen and stops when the TERMINAL RESPONSE is sent except if the text is to be sustained beyond an immediate response.," See p. 26)(emphasis added), then disregarding said command ("the command is rejected, the ME informs the UICC using TERMINAL RESPONSE [ME currently unable to process command - screen busy],," See p. 26)

As to dependent **claim 26**, which depends from claim 23, *Release 5* further discloses: the method of claim 23, wherein the step of displaying text comprises displaying any of the following: letters, numbers, or words ("*displays text*," *See p. 22*), or icons, images, or pictures ("*or an icon on a screen*," *See p. 22*).

As to **claims 27-32**, these claims differ from claims 21-26, respectively, only in that they are directed to products defined by the processes of claims 21-26, respectively. Accordingly, claims 27-32 are rejected for the same reasons set forth in the treatment of claims 21-26, respectively.

As to **claims 33-38**, these claims differ from claims 21-26, respectively, only in that they are directed an apparatus to carry out the processes of claims 21-26, respectively. Accordingly, claims 33-38 are rejected for the same reasons set forth in the treatment of claims 21-26, respectively.

RESPONSE TO ARGUMENTS

6. Applicant arguments, *See p. 6-7*, filed 8/21/2007, with respect to the duration requirement's clarity as taught by *ETSUSIM* have been fully considered and are persuasive. Accordingly, the Rejection is withdrawn in view thereof.

Applicant previously argued that *ETSUSIM* failed to teach or suggest at least the limitation of specifying a duration in a SIM application for which *text is to be displayed prior to permitting a user to clear said text* and that it instead discloses displaying a message for a specified duration. The Examiner is persuaded by

Applicants arguments that *ETSUSIM* teaches a duration, but does not clearly show that it is a mandatory, minimum duration.

However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art, *Release 5*, addressed *supra*.

CONCLUSION

7. All prior art made of record in this Office Action or as cited on form PTO-892 notwithstanding being relied upon, is considered pertinent to applicant's disclosure. Therefore, Applicant is required under 37 CFR §1.111(c) to consider these references fully when responding to this Office Action.

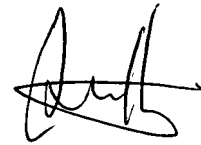
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini at telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

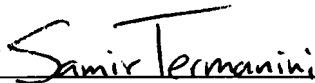
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, See <http://pair-direct.uspto.gov>.

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STEPHEN HONG
SUPERVISORY PATENT EXAMINER



Samir Termanini
Patent Examiner
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